

ELISHA BUTTON.

FEBRUARY 29, 1840.

Laid on the table.

Mr. GIDDINGS, from the Committee of Claims, made the following

REPORT:

The Committee of Claims, to whom was referred the petition of Elisha Button, report :

The petitioner sets forth that he asks remuneration for property taken from him by the British army, at or near French Mills, in the county of Franklin, and State of New York, on the 15th day of February, 1814, viz: whiskey, cider, brandy, butter, cheese, oysters, shoes, one coverlet, and cash \$3; valued, in all, at \$672 36: all of which petitioner alleges was lost by reason of the officers of the army of the United States pressing from him three teams which he had provided for the express purpose of removing said property to a place of safety, two of said teams being taken from him when in the act of loading said property; and he shows, by the affidavits of others, the taking the teams by the United States officers, and the taking the property by the British army; and, by the affidavit of Alfred Button, he shows the taking of a number of articles not included in the statement of petitioner, valued by witnesses at \$143 51½, showing a loss to petitioner of \$815 87½; and states that the same was lost by reason of the forcible taking of petitioner's teams by said officers. The committee are not disposed, at this time, to comment on the proof offered to substantiate the claim; but propose to examine whether the case, as set forth by the petitioner, is one that can be allowed under any law or usage of the United States now existing; and if not, whether extra legislation ought to be had to reach the case.

The United States are bound by the constitution to repel and protect each State from invasion. This being the duty of the United States, the right to occupy all necessary stations, and to call to their aid all necessary means for the protection of the army and property of the Government, in cases of emergency, must be admitted. That it is a right reserved by the Government, and should be approved by all the States, your committee think will not be denied. This right is believed to extend, when necessary, to the forcible taking of ships, boats, teams, provisions, &c., always paying a reasonable compensation for the use of property, and the value for what is not returned; but no collateral damage can, in any case, be allowed.

These are some of the necessary inconveniences under which individuals hold their property in the several States of this Union; and if their interests are sometimes prejudiced by reason of the necessary exercise of

it by the Government, it is their misfortune, and one for which Government does not hold itself accountable. And your committee, believing that there is not any law now existing authorizing the payment of the petitioner's claim, and that it would be inexpedient to go into special legislation to reach this case, submit the following resolution :

Resolved, That it is inexpedient to grant the prayer of the petitioner

FEBRUARY 20, 1840

Laid on the table

Mr. Giddings, from the Committee of Claims, made the following

REPORT

The Committee of Claims, to whom was referred the petition of Elisha Patton, report :

The petitioner sets forth that he asks remuneration for property taken from him by the British army, at or near French Mills, in the county of Franklin and State of New York, on the 15th day of February, 1814, viz : whiskey, cider, brandy, butter, cheese, oysters, shoes, one covered, and cash, \$3; valued in all, at \$672 38 : all of which petitioner alleges was lost by reason of the officers of the army of the United States pressing from him three teams which he had provided for the express purpose of removing said property to a place of safety, two of said teams being taken from him when in the act of loading said property ; and he shows, by the affidavits of others, the taking the teams by the United States officers, and the taking the property by the British army ; and by the affidavit of Alfred Patton, he shows the taking of a number of articles not included in the statement of petitioner, valued by witnesses at \$143 51, showing a loss to petitioner of \$815 87 ; and states that the same was lost by reason of the forcible taking of petitioner's teams by said officers. The committee are not disposed, at this time, to comment on the proof offered to substantiate the claim ; but propose to examine whether the case, as set forth by the petitioner, is one that can be allowed under any law or usage of the United States now existing ; and if not, whether extra legislation ought to be had to reach the case.

The United States are bound by the constitution to rebel and protect each State from invasion. This being the duty of the United States, the right to occupy all necessary stations, and to call to their aid all necessary means for the protection of the army and property of the Government, in cases of emergency, must be admitted. That it is a right reserved by the Government, and should be approved by all the States, your committee think will not be denied. This right is believed to extend, when necessary, to the forcible taking of ships, boats, teams, provisions, &c., always paying a reasonable compensation for the use of property, and the value for what is not returned ; but no collateral damage can, in any case, be allowed.

There are some of the necessary inconveniences under which individuals hold their property in the several States of this Union ; and if their interests are sometimes prejudiced by reason of the necessary exercise of